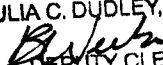


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DEC 17 2012

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

JUSTIN D. THOMAS &
IRENE S. THOMAS,

Plaintiffs,

v.

CARMEUSE LIME & STONE, INC.,

Defendant.

Case No.: 7:12-cv-00413-JCT

ORDER

By: James C. Turk
Senior United States District Judge

In accordance with the accompanying Memorandum Opinion entered this day, it is
hereby

ORDERED

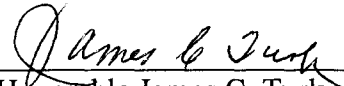
that

1. Defendants' Motion to Dismiss (ECF No. 33), is **DENIED**;
2. Plaintiffs' request for a Preliminary Injunction (see ECF No. 2), previously taken under advisement, is **DISMISSED WITHOUT PREJUDICE AS MOOT**; and
3. Defendant Carmeuse's Motion to Dismiss (ECF No. 19) is **DENIED AS MOOT**.

The Clerk of the Court is directed to send a copy of this memorandum opinion and
accompanying order to all counsel of record.

IT IS SO ORDERED.

ENTER: This 7th day of December, 2012.


Honorable James C. Turk
Senior United States District Judge